

REMARKS

Claims 1-21 are currently pending in the present application, with Claim 8 being amended. Reconsideration and reexamination of the rejected claims are respectfully requested.

Claims 5, 12, and 16-17 have been allowed.

The Examiner rejected Claims 1-4, 6, 8-11, 13-14, and 18-21 under 35 U.S.C. § 103(a) as being unpatentable over Mimmagh (U.S. Patent No. 5,835,463) in view of Nakajo (U.S. Patent No. 5,502,702). This rejection is respectfully traversed.

The claimed inventions are directed to recordable optical disks and optical disk recording devices, wherein the optical disks have pre-recorded information indicative of applicable recording speeds for the disk, as well as information indicative of a type and a manufacturer of the disk.

Mimmagh discloses pre-recording to an optical disk recording parameters as well as information indicative of recording velocities in which the recording parameters can be used. During a recording operation, a disk recorder reads from the optical disk the recording parameters and the velocity information, and uses the parameters and the velocity information to write data to the disk.

In contrast, Nakajo discloses pre-recording to an optical disk information indicative of the disk type and the manufacturer of the disk; recording parameter and recording velocity information is not pre-recorded to the disk. Instead, Nakajo teaches that the disk recorder reads the pre-recorded disk type and manufacturer information, and retrieves from a memory in the recorder device the recording parameters associated with the disk type and the disk manufacturer.

The Examiner acknowledged that Mimmagh fails to disclose pre-recording on an optical disk information indicative of a disk type and of a manufacturer of the disk. The Examiner attempts to combine Mimmagh and Nakajo, citing "minutely adjusting the recording power and contents of correction" as the motivation for combining the two references.

The system described in Mimmagh is self sufficient -- it is already provided with the recording parameters on the disk itself. There is no reason whatsoever to use disk type and manufacturer information of Nakajo to "minutely adjust" power because the power is already exactly specified. The motivation relied upon by the Examiner therefore does not exist. Accordingly, Applicant respectfully submit that Claims 1-4, 6, 8, 13, 14, and 18-21 are patentable over Mimmagh and Nakajo.

With respect to Claim 10, the claimed invention is directed to an optical disk recording device for writing data to an optical disk, wherein the recording device determines the appropriate recording speed for the disk based on either the lead-in or lead-out start time information recorded on the disk. As explained in the specification (pp. 9-10), under the Orange Book standards, a disk manufacturer has considerable flexibility in specifying the lead-in and lead-out time of a disk. The claimed invention of Claim 10 takes advantage of this flexibility by matching different lead-in/lead-out times with corresponding applicable recording speed (see table 1 in page 10 of the specification). Hence, by incorporating the applicable recording speed information into the lead-in/lead-out start time information, a manufacturer can specify an applicable recording speed for the disk without having to separately write the information somewhere else on the disk.

Neither Mimmagh nor Nakajo contain any disclosure of determining an applicable recording speed for a disk by using the lead-in or lead-out start time information. Rather,

Mimnagh specifically requires the recording speed information to be separately indicated, using either auxiliary codes that make up a 24-bit long carrier information or in the form of a bar code (see Col. 3, line 65 to Col. 4, line 35). Although Mimnagh discusses recording the auxiliary codes in the lead-in time or lead out time recording areas, neither reference teach or suggest incorporating applicable recording speed information into the lead-in or lead-out start time information. Accordingly, Applicant respectfully submit that Claim 10 is not obvious in view of Mimnagh and Nakajo.

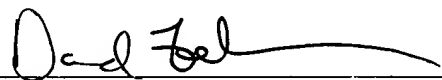
In view of the foregoing, Applicant respectfully submits that all of the pending claims are in condition for allowance. An early allowance is solicited. If the Examiner believes it would further advance the prosecution of the present application, Applicants respectfully request the Examiner to contact the undersigned attorney.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant(s) petition(s) for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 39303.20422.00.

Respectfully submitted,

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